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Item 72 of the provisional agenda*
Right of peoples to self-determination

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Report of the Secretary-General

Summary

In its resolution 59/180, the General Assembly requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation, and requested the Secretary-General to report on this question to the Assembly at its sixtieth session. The present report, which has been prepared pursuant to that request, takes a thematic approach and summarizes the developments at the sixty-first session of the Commission as well as the relevant principles from the jurisprudence of the Human Rights Committee.

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I. Introduction

1. In its resolution 59/180, the General Assembly requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation, and requested the Secretary-General to report on this question to the Assembly at its sixtieth session.

2. The principle of self-determination is enshrined in Article 1, paragraph 2, of the Charter of the United Nations. Article 1 common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights affirms the right of all peoples to self-determination, and lays upon States parties, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, the obligation to promote the realization of that right and respect it, in conformity with the provisions of the Charter.

3. This report is prepared pursuant to resolution 59/180. It contains a summary of the developments at the sixty-first session of the Commission on Human Rights as well as the relevant principles from the jurisprudence of the Human Rights Committee, the expert body that monitors implementation of the International Covenant on Civil and Political Rights by the States parties.

II. Sixty-first session of the Commission on Human Rights

4. At its sixty-first session, under agenda item 5, the Commission on Human Rights discussed "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". The Commission decided to defer consideration of the "Question of Western Sahara" to its sixty-second session. The following two resolutions were adopted under item 5: resolution 2005/1, entitled "Situation in occupied Palestine", and resolution 2005/2, entitled "The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination".

III. Concluding observations of the Human Rights Committee

5. The Human Rights Committee has been addressing the right to self-determination when considering the periodic reports of States parties. Most recently, the Committee addressed some issues related to the right to self-determination in its concluding observations on Mauritius and on Morocco.

6. In its concluding observations on Mauritius, the Committee took note "of the continuing dispute between the State party and the United Kingdom Government with respect to the legal status of the Chagos Archipelago, whose population was removed to the main island of Mauritius and other places after 1965 (Covenant, art. 1)" and recommended that the "State party should make every effort to enable the population concerned who were removed from these territories to fully enjoy their rights under the Covenant" (CCPR/CO/83/MUS, para. 5).

7. In its concluding observations on Morocco, the Committee stated that it "remains concerned about the lack of progress on the question of the realization of the right to self-determination for the people of Western Sahara (Covenant, art. 1)"

and recommended that the "State party should make every effort to permit the population groups concerned to enjoy fully the rights recognized by the Covenant" (CCPR/CO/82/MAR, para. 8).

IV. Jurisprudence of the Human Rights Committee

8. General comment No. 23 (1994) on article 27 of the International Covenant on Civil and Political Rights "draws a distinction between the right to self-determination and the rights protected under article 27 [of the Covenant]. The former is expressed to be a right belonging to peoples and is dealt with in a separate part (Part I) of the Covenant. Self-determination is not a right cognizable under the Optional Protocol. Article 27, on the other hand, relates to rights conferred on individuals as such and is included, like the articles relating to other personal rights conferred on individuals, in Part III of the Covenant and is cognizable under the Optional Protocol" (para. 3.1). Accordingly, the Committee has repeatedly declared itself incompetent to consider individual complaints alleging a violation of the right to self-determination.

9. In *J.G.A. Diergaardt v. Namibia*, the Committee acknowledged that the right to self-determination under article 1 affects the interpretation of other rights protected by the Covenant. The Committee noted that

> "the authors [of the complaint had] alleged that the termination of their self-government violates article 1 of the Covenant. The Committee recalls that while all peoples have the right of self determination and the right freely to determine their political status, pursue their economic, social and cultural development and dispose of their natural wealth and resources, as stipulated in article 1 of the Covenant, the question whether the community to which the authors belong is a 'people' is not an issue for the Committee to address under the Optional Protocol to the Covenant. The Optional Protocol provides a procedure under which individuals can claim that their individual rights have been violated. These rights are set out in Part III of the Covenant, articles 6 to 27, inclusive [citation omitted]. As shown by the Committee's jurisprudence, there is no objection to a group of individuals, who claim to be commonly affected, to submit a communication about alleged breaches of these rights. Furthermore, the provisions of article 1 may be relevant in the interpretation of other rights protected by the Covenant, in particular articles 25, 26 and 27" (CCPR/C/69/D/760/1997, para. 10.3).

10. In *Mahuika et al. v. New Zealand*, the Committee observed that

> "the Optional Protocol provides a procedure under which individuals can claim that their individual rights have been violated. These rights are set out in Part III of the Covenant, articles 6 to 27, inclusive. [citation omitted.] As shown by the Committee's jurisprudence, there is no objection to a group of individuals, who claim to be commonly affected, to submit a communication about alleged breaches of these rights. Furthermore, the provisions of article 1 may be relevant in the interpretation of other rights protected by the Covenant, in particular article 27" (CCPR/C/70/D/547/1993, para. 9.2).

11. In *Gillot v. France*, the Committee interpreted article 25 in the light of article 1 of the Covenant, observing that

> "[a]lthough the Committee does not have the competence under the Optional Protocol to consider a communication alleging violation of the right to self-determination protected in article 1 of the Covenant, it may interpret article 1, when this is relevant, in determining whether rights protected in Parts II and III of the Covenant have been violated. The Committee is of the view, therefore, that, in this case, it may take article 1 into account in interpretation of article 25 of the Covenant" (CCPR/C/75/D/932/2000, para. 13.4).

12. While the Committee continues to maintain that it does not have the competence under the Optional Protocol to consider communications alleging a freestanding violation of the right to self-determination protected in article 1 (see *Hom v. The Philippines* (CCPR/C/78/D/1169/2003, para. 4.2) and *Wilson v. Australia* (CCPR/C/80/D/1239/2004, para. 4.3)), it does take the essence of article 1 into account when interpreting articles 25, 26 and 27 of the Covenant.

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Economic and Social Council

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General Assembly
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Items 45 and 121 of the provisional agenda*

Culture of peace

Follow-up to the outcome of the Millennium Summit

Economic and Social Council
Substantive session of 2005
New York, 29 June-27 July 2005
Agenda item 2
Achieving the internationally agreed development goals, including those contained in the Millennium Declaration, as well as summits: progress made, challenges and opportunities

Letter dated 25 July 2005 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I have the honour to transmit the letter dated 24 June 2005 addressed to you by Dr. Alberto G. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines (see annex I), together with the report of the Convening Group of the Conference on Interfaith Cooperation for Peace: Enhancing Interfaith Dialogue and Cooperation Towards Peace in the Twenty-first Century (see annex II, attachment). I am also transmitting a copy of a letter dated 24 June 2005 addressed to Mr. Munir Akram, President of the Economic and Social Council, by Dr. Romulo (see annex II). The list of co-sponsors of the above-mentioned conference appears in the attached report.

I would be grateful if the two letters of the Secretary of Foreign Affairs and the report of the Conference could be issued as documents of the General Assembly, under items 45 and 121 of the provisional agenda of the sixtieth session, and of the Economic and Social Council, under agenda item 2.

(*Signed*) Lauro L. **Baja Jr.**
Permanent Representative

* A/60/150.

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Annex I to the letter dated 25 July 2005 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I would like to share with you the results of the Conference on Interfaith Cooperation for Peace, which was held at United Nations Headquarters on 22 June 2005. The participants endorsed the results of the Conference as contained in the report of the Convening Group of the Conference on Interfaith Cooperation for Peace (see annex II, attachment).

The Conference has been hailed as historic, and the tripartite partnership behind it as unprecedented. I believe that the Conference, supported by 16 co-sponsoring Governments, three United Nations agencies and 110 religious non-governmental organizations, constitutes a major contribution to the cause of peace.

I would like to take this opportunity to thank you for your message to the Conference, which was read by Assistant Secretary-General Robert Orr. Your statement and your strong support contributed to the success of the Conference. The participants frequently cited your message during the Conference and it was an important factor in building consensus on the results of the Conference.

Among other recommendations, the Conference requested the Secretary-General to explore avenues to promote increased interreligious, intercultural and intercivilizational dialogues and cooperation in the furtherance of peace, development and dignity of the human person. It is my hope and that of the participants of the Conference that you will consider this request favourably.

I would also like to request that the report of the Convening Group of the Conference on Interfaith Cooperation for Peace be circulated as a document of the General Assembly at both the sixtieth session and at the High-level Plenary Meeting in September.

(*Signed*) Alberto G. **Romulo**

Annex II to the letter dated 25 July 2005 from the Permanent Representative of the Philippines to the United Nations addressed to the President of the Economic and Social Council

I would like to share with you the results of the Conference on Interfaith Cooperation for Peace, which was held at United Nations Headquarters on 22 June 2005. The participants endorsed the results of the Conference as contained in the report of the Convening Group of the Conference on Interfaith Cooperation for Peace.

The Conference has been hailed as historic, and the tripartite partnership behind it as unprecedented. I believe that the Conference, supported by 16 co-sponsoring Governments, three United Nations agencies and 110 religious non-governmental organizations, constitutes a major contribution to the cause of peace.

I would like to take this opportunity to thank you for your message to the Conference. Your words of wisdom, your citation of historical landmarks and the thorough analysis of the state of current international and intercultural affairs helped inspire and guide the deliberations of the Conference and will certainly be revisited by the tripartite partners in their follow-up activities.

I would like to invite you to kindly consider the recommendations contained in the report in relation to the work of the Economic and Social Council and to also consider the possibility of having it issued as a document of the Council.

(*Signed*) Alberto G. **Romulo**

Attachment

Report of the Convening Group[a] of the Conference on Interfaith Cooperation for Peace: Enhancing Interfaith Dialogue and Cooperation Towards Peace in the Twenty-first Century

22 June 2005, United Nations Headquarters, New York

Organization of the Conference

The Conference on Interfaith Cooperation for Peace was organized under a tripartite partnership among Governments, the United Nations system and civil society, representing religious non-governmental organizations. This tripartite conference is of historic significance bringing together three main sectors that have much to gain in working together. The Conference was held on 22 June 2005 immediately preceding the informal interactive hearings of the President of the General Assembly with non-governmental organizations, civil society organizations and the private sector in preparation for the High-level Plenary Meeting of the General Assembly.

The Conference aimed at enhancing interfaith cooperation, promoting the culture of peace and dialogue among civilizations and translating shared values into practical action in order to achieve sustainable peace in the twenty-first century. The organizers of the Conference drew inspiration from the United Nations Millennium Declaration and the recent efforts to promote interfaith cooperation at the international, interregional, regional and national levels.

The Conference organizers reaffirmed relevant resolutions of the General Assembly, in particular the resolutions entitled "Promotion of interreligious dialogue" (resolution 59/23), "Promotion of religious and cultural understanding, harmony and cooperation" (resolution 59/142), "Global Agenda for Dialogue Among Civilizations" (resolution 56/6), "International Decade for a Culture of Peace and Non-Violence for the Children of the World" (resolution 53/25), "International Day of Peace" (resolution 55/282), "Elimination of all forms of religious intolerance" (resolution 59/199) and the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) (A/59/201) to the fifty-ninth session of the General Assembly entitled "Promotion of religious and cultural understanding, harmony and cooperation" (resolution 58/128).

Dr. Alberto G. Romulo, Secretary of Foreign Affairs, the Philippines, chaired the Conference. The messages of Mrs. Gloria Macapagal-Arroyo, President of the Republic of the Philippines; Mr. Kofi Annan, Secretary-General of the United Nations; Mr. Jean Ping, President of the General Assembly; Mr. Munir Akram, President of the Economic and Social Council; Mr. Koichiro Matsuura, Director-

[a] The tripartite convening group is made up of Argentina, Bangladesh, Ecuador, Gambia, Germany, Indonesia, the Islamic Republic of Iran, Kazakhstan, Malaysia, the Kingdom of Morocco, Pakistan, the Philippines, Senegal, Spain, Thailand, Tunisia, United Nations organizations (the Department of Economic and Social Affairs and the United Nations Educational, Scientific and Cultural Organization), the World Bank and civil society (Committee of Religious Non-Governmental Organizations at the United Nations, representing its 110 member-organizations).

General of UNESCO; and Mr. Hiro Sakurai, President, Committee of Religious Non-Governmental Organizations at the United Nations, were read during the opening ceremony.

Professor Diana L. Eck of Harvard University and former United Nations Under-Secretary-General Giandomenico Picco moderated the morning and afternoon sessions, respectively. The discussions on the theme of the morning session, "The role of religions in promoting intercultural understanding towards sustainable peace" and on the theme of the afternoon session, "Exploring strategies to enhance interfaith cooperation for sustainable peace" were led by panellists and discussants from Governments, the United Nations system and civil society. Dr. Maleeha Lodhi gave a keynote statement in the afternoon. The names of the panellists and discussants appear in the programme of the Conference. Their statements and those of the inaugural and keynote speakers will appear in the proceedings of the conference.

Conclusions

1. More deliberate and strategic efforts in interreligious dialogue and cooperation are needed to foster relationships and interdependencies and advance understanding between diverse peoples, cultures and religions.

2. Issues of peace and justice, human rights, religious freedom, poverty, education, sustainable development, the rights and well-being of children, the equal dignity of men and women, indigenous peoples and the protection of the environment are our common concerns. The partnership of Governments, the United Nations and religious non-governmental organizations is of crucial significance in the achievement of internationally agreed development goals, including the Millennium Development Goals.

3. Interreligious dialogue and cooperation are essential and can facilitate the work of enhancing human welfare, freedom and progress everywhere.

4. Dialogue and understanding, including the awareness of differences and commonalities among peoples and civilizations, contribute to the peaceful resolution of conflicts and disputes and reduce the potential for animosity, clashes and even violence.

5. Non-governmental organizations representing different religions and multireligious coalitions are an important part of civil society and have long supported the goals of the United Nations throughout the 60 years of its existence.

Recommendations

1. The tripartite conference calls upon the High-level Plenary Meeting of the General Assembly in September 2005 to take into account the conclusions and recommendations of this conference. The High-level Plenary Meeting in September 2005 should recognize that dialogues among civilizations, cultures, and religions constitute vital contributions towards the promotion of a just and sustainable peace. The 2005 High-level Meeting should call for an expansion and deepening of the relationship between the United Nations and civil society, including religious non-governmental organizations.

2. Member States of the United Nations, in partnership with the United Nations system and civil society, should undertake practical actions in the fields of education and the media in order to foster understanding, tolerance and cooperation between peoples of different religions and beliefs so as to overcome intolerance and combat stereotypes and misperceptions. Particular reference is made to the programme of action under the Global Agenda for Dialogue Among Civilizations (2001).

3. An open-ended tripartite consultative group composed of representatives from Member States, the United Nations system, and non-governmental organizations should be formed to follow up on the conclusions and recommendations of this Conference, with an emphasis on practical actions. The open-ended tripartite consultative group should tap available resources and abilities and develop ways and means to affirm the role of interreligious and intercultural cooperation in attaining a just and sustainable peace through the mechanisms already available in the United Nations system, such as the efforts to promote a culture of peace and a dialogue among civilizations, the intercultural and interreligious work of UNESCO and the annual International Day of Peace on 21 September. The open-ended tripartite consultative group should also identify new ways to address interreligious, intercultural and intercivilizational issues and concerns, including the opportunity and mechanism for religious leaders to speak, interact and respond more clearly and quickly in times of violence, crises and conflict.

4. The Secretary-General is invited to explore enhancing the implementation mechanisms and to follow up on the Declaration and Programme of Action on a Culture of Peace and the Global Agenda for Dialogue Among Civilizations of 2001 adopted by the General Assembly and other initiatives on dialogue among cultures and civilizations.